

City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian
Brian Calhoun, Ph.D.
Mike Dages

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

September 19, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation (*District 5*)

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Council President Duncan

Proclamation of "FAMILY DAY, A DAY TO EAT WITH YOUR CHILDREN" – Councilmember Sterling

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 29, 2006

Action Taken:

Approve Special Closed Session minutes of September 5, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

A. * Approve agreement to authorize the City of Fresno to enter into a contract with the 21st District Agriculture Association to provide police services at the 2006 Fresno District Fair – Police Dept.

Action Taken:

B. * Approve Side Letter of Agreement with International Association of Firefighters (IAFF) Basic, Unit 5, regarding sick leave provision – Personnel Services Department.

Action Taken:

C. * Approve a one-year consulting contract with two (2) extension options of one (1) year each with Sandler & Travis Trade Advisory Services, Inc. for help obtaining port of entry status for the Fresno Yosemite International Airport – Airports Dept.

Action Taken:

1. * **RESOLUTION** – 13th amendment to AAR No. 2006-253 appropriating \$350,000 for the purpose of entering into a contract with Sandler and Travis, a consulting firm in order to obtain port of entry status for Fresno Yosemite International Airport's international operations **(Requires 5 affirmative votes)**

Action Taken:

D. * **RESOLUTION** – 446th amendment to MFS Resolution No. 80-420 to establish new fees for hangar rentals at Chandler Airport – Airports Dept.

Action Taken:

E. * Award a contract to St. Francis Electric for the Fresno Chandler Executive Airport Automated Weather Observation System (AWOSIII) – Airports Dept.

Action Taken:

F. * Approve Extension No. 5 to the Temporary Use Permit issued by the City of Fresno to Flight Services & Systems, Inc. (formerly Facility Services & Systems, Inc.) (FS&S) to occupy premises at Fresno Yosemite International Airport (FYI) – Airports Dept.

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- G. **RESOLUTION** - Of intention to annex Final Tract No. 5614 as Annexation No. 10 to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes, and setting the public hearing for October 3, 2006 at 10:00 a.m. **(Property located in District 2)** – Public Works Dept.
Action Taken:
- H. Adopt Resolution of Intention No. 1054-D to vacate a portion of W. Ellery Avenue between Hanover and Sonora Avenues and setting the public hearing for October 17, 2006 at 10:00 a.m. **(Property located in District 2)** – Public Works Dept.
Action Taken:
- I. * Approve the acquisition of street easements from APN 312-062-26 owned by Mario and Virginia Magano, 312-270-07 owned by Alice Sutton Sterling Trust, and 312-270-09 owned by Jose and Ana Maria Duran for the widening of Clinton Avenue pursuant to the development of Tract 5300 **(Tract 5300 is located within District 3 but the easements are outside the City Corporate limits)** – Public Works Dept.
Action Taken:
- J. Adopt Resolution of Intention No. 1055-D to vacate a purported alley lying in the north twenty (20) feet of Lot 32 in Block 8 of Calwa Townsite, located on the south side of Jensen Avenue bypass east of Eleventh Street, and setting the public hearing for October 17, 2006 at 10:10 a.m. **(Property located in District 5)** – Public Works Dept.
Action Taken:
- K. * **RESOLUTION** 16th amendment to AAR No. 2006-253 appropriating \$92,000 of Community Facilities District No. 2 deposit funds to the Public Works Street Division for the Maintenance of newly accepted acreage in the district **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken:
- L. * Approve an amendment to the City of Fresno retiree health reimbursement arrangement to include Unit 05, Non-Supervisory Police (FPOA), and Unit 14, Management Confidential (CFMEA) - Personnel Services Dept.
Action Taken:
- M. * Approval for the Parks, Recreation and Community Services Department to donate \$5,058 of Roeding Park tollbooth receipts to Rotary Storyland & Playland – PR&CS
Action Taken:
- N. * **RESOLUTION** - 11th amendment to the AAR No. 2006-253 to appropriate \$25,000 in the grant funds from the Pharmaceutical Research and Manufacturers of America in partnership with Healthy Fresno to expand the youths sports and family wellness program **(Requires 5 affirmative votes)** – PR&CS
Action Taken:
- O. * Award one-year contract to Allstar Fire Equipment, Inc. for firefighting protective garments – Fire Department
Action Taken:
- P. **RESOLUTION** - Approving the Final Map of Tract No. 5229 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, Fire Chief and Planning and Development Director to execute the necessary documents **(Property located in District 6)** – Planning and Development Dept.
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- Q. * **RESOLUTION** - Authorizing the purchase of a automated telescopic seating system for Selland Arena from Figueras Seating USA without advertised competitive bidding - Department of Public Works
Action Taken:
- R. * Request the authorization for the Parks, Recreation and Community Services Department to lease –purchase equipment for the maintenance of City Park facilities using the City's Master Lease Agreement – PR&CS
- S. * **BILL NO. B-136 (Intro. 8/29/2006) (For adoption)** - Adding Article 14 to Chapter 9 of the Fresno Municipal Code relating to abandoned shopping carts
Action Taken:
1. * **RESOLUTION** - 445th amendment to MFS Resolution No. 80-420 to establish a fee for the shopping cart containment plan review in the Code Enforcement Section under the Planning and Development Department
Action Taken:
- T. Adoption of ordinances amending the Fresno Municipal Code relating to modification of the classes of permissible beneficiaries under the optional forms of settlement – Retirement Offices
1. * **BILL NO. B-133 – (Intro. 8/29/2006) (For adoption)** - Amending Section 2-1733 of the Fresno Municipal Code, relating to modification of the classes of permissible beneficiaries under the optional forms of settlement
Action Taken:
2. * **BILL NO. B-134 – (Intro. 8/29/2006) (For adoption)** - Amending Section 2-1733A of the Fresno Municipal Code, relating to modification of the classes of permissible beneficiaries under the optional forms of settlement
Action Taken:
3. * **BILL NO. B-135 – (Intro. 8/29/2006) (For adoption)** - Amending Section 2-1841 of the Fresno Municipal Code, relating to modification of the classes of permissible beneficiaries under the optional forms of settlement
Action Taken:

2. **CITY COUNCIL**

- A. **RESOLUTION** – In support of Proposition 84 The Clean Water, Parks and Coastal Protection Bond of 2006 – Acting President Perea and Councilmember Calhoun
Action Taken:
- B. **RESOLUTION** – Supporting the efforts of all law enforcement agencies in eradicating criminal street gang activities – Council President Duncan
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION** – Appearance by Enrique Reade, Chair of the Human Relations Commission, to discuss his resignation and the Commission
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

GENERAL ADMINISTRATION

- A. *** Matters related to publicity services for the City of Fresno – City Manager’s Office
1. * Approve contract with Panagraph, Inc. for publicist services
Action Taken:
 2. Appoint three (3) members to serve on a publicity oversight panel
Action Taken:
- B. *** Request authorization to execute a professional services agreement in an amount not to exceed \$360,000 with VRPA Technologies, Inc., to prepare analyses and recommendations utilizing the San Joaquin Growth Response Study tools to implement the activity centers and intensity corridors of the 2025 Fresno General Plan – Planning and Development Dept.
Action Taken:
- C.** Adopt resolutions pertaining to the hiring a Deputy City Attorney for graffiti enforcement
1. * **RESOLUTION** – 21st amendment to AAR No. 2006-253 appropriating \$82,500 to fund an additional attorney position pursuant to an agreement with the County District Attorney’s Office ***(Requires 5 affirmative votes)***
Action Taken:
 2. * **RESOLUTION** – 1st amendment to PAR No. 2006-254 adding an attorney position within the City Attorney’s Office
Action Taken:

9:30 A.M.

Presentation by Charlie Waters, regarding an update on the California Veterans' Home and PGA Golf Tournament – Councilmember Westerlund

9:45 A.M.

HEARING relating to group home facilities:

- a. *** **BILL NO. B-143 – (Intro. 8/29/2006) (For adoption)** - Adopting Text Amendment Application No. TA-05-01 amending the text of the Fresno Municipal Code Zoning Ordinance regarding the definition and classification of group home facilities - Planning and Development Dept
Action Taken:

10:00 A.M.#1

HEARING relating to the vacation of a portion of the Broadway - “H” alley from 100 feet to 200 feet northwest of Amador Street ***(Property located in District 3)*** – Public Works Dept.

Action Taken:

- a. *** **RESOLUTION** – Ordering the vacation of a portion of the Broadway - “H” alley from 100 feet to 200 feet northwest of Amador Street
Action Taken:

10:00 A.M.#2

HEARING to consider the formation of Underground Utility District No. FRE-86 (Willow Avenue between approximately 1,320 feet south of Shepherd Avenue and Behymer Avenue) – Public Works Dept.

Action Taken:

- a. RESOLUTION** - Establishing Underground Utility District No. FRE-86
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:10 A.M.** Introduction of bills relating to Text Amendment Application No. TA-06-02 (Variety Pak No. 3) – Planning and Development Dept.
1. **BILL – (For introduction)** - Adopt Text Amendment Application No. TA-06-02 (Variety Pak No. 3) and environmental findings, initiated by the Planning and Development Department Director, amending the text of the Fresno Municipal Code Zoning Ordinance related to simplifying and streamlining the Code and proposing changes and additions as directed by the adoption of the 2025 Fresno General Plan in order to best promote its implementation (*Text Amendment is laid over for adoption at a noticed public hearing on October 17, 2006, at 3:00 p.m.*)
Action Taken:
 2. **BILL – (For introduction) – (Alternative Bill)** – Adopting Text Amendment Application No. TA-06-02 (Variety Pak No. 3) and environmental findings, initiated by the Planning and Development Department Director, amending the text of the Fresno Municipal Code Zoning Ordinance related to simplifying and streamlining the Code and proposing changes, including language referencing Airport Specific Plan applicability, and additions as directed by the adoption of the 2025 Fresno General Plan in order to best promote its implementation (*Text Amendment is laid over for adoption at a noticed public hearing on October 17, 2006, at 3:00 p.m.*)
Action Taken:
- 10:30 A.M.** **HEARING** to consider increasing the current Citywide traffic signal impact fee – Public Works Dept.
(*Continue to October 17, 2006 @ 10:30 a.m.*)
Action Taken:
- 10:45 A.M.** **CONTINUED HEARING** to consider Rezone Application No. R-05-61, and environmental findings, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled, pertaining to approximately 55.51 acres of property located on the southwest corner of N. Locan and E. Shields Avenues (***Property located in District 4***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-61/T5592/C-05-187, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) and R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district
Action Taken:
- 11:00 A.M.** Presentation regarding New Normal – City Manager's Office
Action Taken:
- 2:00 P.M.#1** **CONTESTED CONSENT CALENDAR**
- 2:00 P.M.#2** **CLOSED SESSION**
- A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)
Significant Exposure to Litigation:
1. City of Fresno v. Natural Resources Defense Council
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.#2

CLOSED SESSION CONTINUED

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Stationary Engineers, Local 39 v. City of Fresno (PERB Charge SA-CE-312-M)
City of Fresno v. Stationary Engineers, Local 39 (PERB Charge SA-CO-19-M & SA-CO-29-M)
2. **Case Name:** Gabriel and Rebecca Rodriguez v. City of Fresno, et al., (Consolidated); USDC Case 1:05-CV-00661 OWW DLB (FMK).
Action Taken:

C. CONFERENCE WITH LABOR NEGOTIATORS – Government Code Section 54957.6 City Negotiator(s) Kenneth Phillips, Terry A. Bond Employee Organization(s)

1. International Association of Firefighters (IAFF) Basic, Unit 5 (Councilmember Dages)
2. Amalgamated Transit Union, Local 1027 (ATU)
3. City of Fresno Professional Employees Association (CFPEA)
Action Taken:

2:45 P.M.

Request staff to develop an Adaptive Reuse Ordinance to include incentives for encouraging developers to renovate and reuse vacant buildings in Downtown Fresno – Councilmember Calhoun
Action Taken:

3:00 P.M.

HEARING to consider Rezone Application No. R-06-16, and environmental findings, filed by Harbour & Associates on behalf of 2M Development, pertaining to approximately 3.76 acres of property located on the north side of E. Harvey Avenue between N. Peach and N. Villa Avenues (***Property located in District 4***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-06-16/T-5669/C-06-59, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5 (*Exclusive Five Acre Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district
Action Taken:

3:10 P.M.

HEARING to consider Rezone Application No. R-06-18, and environmental findings, filed by Dale G. Mell and Associates on behalf of Kevin Tien Nguyen, pertaining to approximately 4.60 net acres (4.90 gross acres) of property located on the south side of N. Salinas Avenue between W. Corona and W. Bullard Avenues – (***Property located in District 2***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-06-18/T-5551/C-06-62, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential/Urban Growth Management*) zone district to the R-1 (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:15 P.M. Confirmation of Jean Rousseau as City Controller – City Manager's Office
Action Taken:

3:45 P.M. JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of August 29, 2006

Action Taken:

- A.** Approve the acquisition of a fee simple property for the development of the Southeast Police Station at 4641 E. El Monte Avenue from property owned by Alan Boyajian, Trustee
(Property located in District 5) (Council and Agency action) – Public Works Dept.
Action Taken:
- B.** Recommend approval of the Redevelopment Agency's acquisition of two (2) vacant parcels of land from Joseph Thomas Johnson and Jean Rane Johnson and authorize the transfer of one (1) parcel from the Redevelopment Agency to Joseph Thomas Johnson and Jean Rane Johnson for the Fulton Park Plaza Housing Project near Divisadero and Fulton Streets
(Property located in District 3) (Agency action) – Public Works Dept.
Action Taken:

ADJOURN AGENCY

4:00 P.M. **WORKSHOP** relating to Navigant Consulting on Public Utility Governance structure – Dept. of Public Utilities

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	26 -	9:45 A.M.	HEARING re: Rezone Application No. R-05-109, filed by New Urban Strategies, LLC
Sept.	26 -	9:50 A.M.	HEARING re: Rezone Application No. R-06-25, filed by John and Mabel Adams and Darryl and Gretchen Freedman
Sept.	26 -	10:00 A.M.	WORKSHOP re: the Five-Year Strategic Plan – Fire Dept.
Sept.	26 -	10:30 A.M.	CONTINUED HEARING to consider amending the MFS Resolution 80-420, adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan, and approval of a bill for introduction to establish a new citywide and quadrant based major street impact fees
Sept.	26 -	11:00 A.M.	CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control <i>(Continue to January 30, 2007 @ 10:00 a.m.)</i>
Sept.	26 -	2:30 P.M.	WORKSHOP re: to the Fulton Mall – City Manager's Office
Oct.	3 -	10:00 A.M.	HEARING re: Community Facilities District No. 11, Annexation 10, Tract 5614
Oct.	3 -	11:00 A.M.	JOINT HEARING with the RDA re: approval of Relocation Plan
Oct.	10 -		NO MEETING – COLUMBUS DAY
Oct.	17 -	10:00 A.M.	HEARING re: the vacation of a portion of Ellery Avenue between Hanover and Sonora Avenues - R.I. 1054-D
Oct.	17 -	10:10 A.M.	HEARING re: the vacation of a purported alley lying in the north twenty feet of lot 32 in Block 8 of Calwa Townsite, located on the south side of Jensen Avenue bypass east of Eleventh Street
Oct.	17 -	10:30 A.M.	CONTINUED HEARING to consider increase to the current Citywide traffic signal impact fee
Oct.	17 -	3:00 P.M.	HEARING relating to Text Amendment Application No. TA-06-02 (Variety Pak No. 3)

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Oct.	24 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter – <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	24 -	10:00 A.M.	HEARING re: UUD No. FRE-87 (Orange Avenue betw. North Avenue and the State Route 99)
Nov.	15 -	3:00 P.M.	(WEDNESDAY) Presentation of Employee Service Awards in the Council Chambers – <i>(Reception immediately following – 2nd floor foyer)</i>
Nov.	21 -	NO MEETING – THANKSGIVING WEEK	
Nov.	28 -	9:00 A.M.	Presentation by Bart Bohn, County Administrative Officer to discuss proposed increase of County of Fresno's public facilities impact fees
Dec.	19 -	NO MEETING – CHRISTMAS WEEK	
Dec.	26 -	NO MEETING – NEW YEARS WEEK	
Jan. 30, 2007-	10:00 A.M.	CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control	